UNITED
NATIONS

A

General Assembly

Distr.
GENERAL

A/CONF.189/PC.1/4
24 March 2000

Original: ENGLISH

WORLD CONFERENCE AGAINST RACISM,
RACIAL DISCRIMINATION, XENOPHOBIA
AND RELATED INTOLERANCE
Preparatory Committee
First session
Geneva, 1-5 May 2000
Item 7 of the provisional agenda

REPORTS, STUDIES AND OTHER DOCUMENTATION FOR THE PREPARATORY COMMITTEE AND THE WORLD CONFERENCE

Ways of improving coordination between the Office of the United Nations High Commissioner for Human Rights and all specialized agencies and international, regional and subregional organizations in the field of action to combat racism, racial discrimination, xenohobia and related intolerance

Note by the secretariat

GE.00-11899 (E)

Introduction

1. The Commission on Human Rights, in its resolution 1999/78 (para. 63 (a)), requested the High Commissioner for Human Rights to undertake a study to be submitted to the first session of the Preparatory Committee for the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance on ways of improving coordination between her Office and all specialized agencies and international, regional and subregional organizations in the field of action to combat racism, racial discrimination, xenophobia and related intolerance. Pursuant to this resolution, the High Commissioner sent letters to the heads of relevant organizations in October 1999. As of 25 January 2000, replies had been received from the International Labour Office (ILO), the United Nations Educational, Scientific and Cultural Organization (UNESCO), the United Nations Development Programme (UNDP), the International Organization for Migration (IOM) and the European Commission against Racism and Intolerance (ECRI) of the Council of Europe. It was not considered feasible to undertake a study at this time given the small number of replies received. The information contained in the present note is therefore based primarily on the replies received and on the memoranda of understanding (MOU) signed between the Office of the High Commissioner for Human Rights (OHCHR) and other agencies which define bilateral action to be taken to combat racism.

2. The MOU between OHCHR and UNESCO and between OHCHR and UNDP spell out modalities of cooperation and joint activities to combat racism. The former states that both parties agree to cooperate in the planning and implementation of the convening of the World Conference, and the latter that the two organizations would cooperate in the country projects, carried out jointly or individually, to promote the objectives of the Decade for Action to Combat Racism and Racial Discrimination and implement their respective plans of action. The MOU between UNDP and OHCHR is closely monitored and implemented alongside UNDP's policy on "Integrating human rights with sustainable human development".

3. The elimination of racial discrimination has been a core human rights mandate since the establishment of the United Nations. The United Nations has pursued the elimination of racial discrimination through a variety of programmes, activities, conferences and legal instruments. However, strategies to combat racism and racial discrimination offer a complex picture and present an overall problem of coordination. Significant measures are still needed to develop and strengthen the mechanisms already in place.

4. The Vienna Declaration and Programme of Action, in Part II A, paragraph 1, states: "The World Conference on Human Rights recommends increased coordination in support of human rights and fundamental freedoms within the United Nations system. To this end, the World Conference on Human Rights urges all United Nations organs, bodies and the specialized agencies whose activities deal with human rights to cooperate in order to strengthen, rationalize and streamline their activities, taking into account the need to avoid unnecessary duplication."

I. POSSIBLE AREAS OF COORDINATION AND COOPERATION

A. At the international level

1. Information exchange

5. The information possessed by various organizations on specific situations or cases, or on actions taken, could be shared more effectively between them. This is crucial in analysing situations of racial discrimination in specific countries. The Committee on the Elimination of Racial Discrimination (CERD) monitors the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination which has been ratified by some 155 States. The Office of the United Nations High Commissioner for Refugees (UNHCR) and ILO are the only bodies normally represented at the Committee's sessions. For its consideration of States parties reports, CERD generally receives information from UNHCR, ILO and a few other organizations such as UNDP and ECRI. In particular, ILO provides CERD at each of its sessions with information on how related ILO Conventions are applied in the countries under examination by CERD. In order to examine the situation of a country as thoroughly, accurately and comprehensively as possible, it is vital that the Committee be provided with relevant and quality information. It is equally important that the work of the Committee is known to those specialized agencies or organizations which undertake relevant activities in the countries being examined by CERD, so that they can take into account the Committee's recommendations in their work.

6. IOM recommended that agencies should be encouraged to provide information to the various bodies and entities within the United Nations system charged with combating racial discrimination. CERD's review of States parties' implementation of the Convention as well as the relevant activities of the Special Rapporteur on racism, racial discrimination, xenophobia and related intolerance, the Special Rapporteur on religious intolerance and the Special Rapporteur on the human rights of migrants would greatly benefit from information from a greater number of agencies.

7. ILO reported that the ILO Committee of Experts on the Application of Conventions and Recommendations takes account of CERD documents and conclusions in its examination of the application of ILO Conventions by member States. ILO highlighted the need to explore how the United Nations could provide it on a regular basis with information which could have an impact on the application of ILO Conventions, in particular the Discrimination (Employment and Occupation) Convention, 1958 (No. 111) and the Indigenous and Tribal Peoples Convention, 1989 (No. 169).

8. In relation to the forthcoming World Conference, ILO considered that it would be useful to examine at a very early stage how to ensure that the work undertaken by the specialized agencies of the United Nations system and by other bodies, including United Nations programmes, is fully taken into account in the deliberations of the World Conference and in its preparation.

2. Monitoring action to combat racism

9. The creation of an effective mechanism to follow up, monitor and evaluate programmes to combat racism is recognized as important in order to improve international coordination and effective use of resources. In its Programme of Action, the second World Conference to Combat Racism and Racial Discrimination held in 1983 recommended the creation of a regular system of review and appraisal to enable Member States, as well as all organizations of the United Nations system - including relevant regional bodies and non-governmental organizations - to assess the measures taken towards achieving the aims and objectives of the Second Decade.

10. The creation of a follow-up mechanism would also enable a systematic exchange of information on related reports and studies or technical cooperation projects undertaken by United Nations bodies, specialized agencies, and international, regional and subregional organizations. IOM was of the view that OHCHR could coordinate systematic input provided by agencies. With such a system in place, CERD or any other United Nations human rights mechanism could obtain information as required.

3. Consultations

11. In preparation for the World Conference, ILO suggested that consultations be held between the specialized agencies and other concerned United Nations bodies. ECRI added that one possibility for improving coordination at the European level could be to provide for regular consultations between ECRI, on the one hand, and CERD and the Special Rapporteur on the other. UNESCO considered it important that OHCHR participates in meetings sponsored by UNESCO, such as the Meeting of Directors of Human Rights Institutes, which could mobilize various partners in the struggle against discrimination and intolerance.

4. Promoting universal ratification of the Convention

12. Some replies expressed the view that OHCHR and other agencies and organizations should cooperate closely in order to promote universal ratification of the International Convention on the Elimination of All Forms of Racial Discrimination.

13. Within the framework of the MOU between UNDP and OHCHR, UNDP has been making a substantive contribution to the work of the treaty bodies, including the promotion of the ratification of the Convention. UNDP's approach of working through its country offices to respond to Governments seeking assistance or advice on the ratification of human rights instruments or on reporting obligations has been positive in this regard.

5. Information and education

14. In its resolution 1999/78 the Commission on Human Rights requested the High Commissioner to draw up a programme of human rights education and to create a Web site which could be used to share human rights experiences in the struggle against racism. It also urged all United Nations bodies and international, regional and subregional governmental

organizations to support the High Commissioner and the Department of Public Information of the Secretariat through a public information strategy centred around the objectives of the World Conference.

15. OHCHR created a section for the World Conference on its Web site, where information about the World Conference and related documents is available. The Web site could also include information on the activities of the specialized agencies, United Nations bodies and international and regional organizations in the struggle against racism and documents dealing with the issue.

16. In its reply, UNESCO mentioned the possibility of joint action with OHCHR, such as a publication dedicated to the struggle against discrimination and intolerance that would include two prefaces signed respectively by the Director-General of UNESCO and by the High Commissioner for Human Rights.

6. Advisory services, technical cooperation and other support

17. IOM recommended that United Nations staff members at Headquarters and in the field receive training in combating racism that would enable them to deal with violations of the Convention and to incorporate an "anti-racism" approach into their work.

18. The MOU between UNDP and OHCHR has created a framework for closer and substantive cooperation on training. It states that UNDP and OHCHR shall cooperate in providing training programmes in human rights and development for international civil servants, especially those working in the areas of development, human rights, democracy and peace-building. Furthermore, the MOU stipulates that OHCHR shall organize briefings on current aspects of the promotion and protection of human rights for UNDP senior managers and shall contribute to other staff training, as required. In consultation with OHCHR, UNDP shall include a human rights component in its staff training programme and OHCHR shall make its human rights expertise and training materials available for that purpose.

19. UNDP mentioned that there are ongoing projects, including four joint UNDP-OHCHR regional training workshops, for UNDP Resident Representatives/United Nations Resident Coordinators aimed at increasing their knowledge of human rights. Tne workshops cover the key principles of human rights, including the principle of non-discrimination and an introduction to the Convention on the Elimination of All Forms of Racial Discrimination. In addition, a training module on human rights for UNDP staff is being developed containing elements on the elimination of racial discrimination. Further training is envisaged in cooperation with OHCHR and the United Nations Staff College.

B. At the national level

20. It is recognized that the most effective way to combat racism is at the country level. While there has been much progress in cooperation at the international level, there is an urgent need for more systematic cooperation at the country level.

21. Under the MOU, UNDP and OHCHR can undertake the following actions at the national level:

- The implementation of CERD recommendations at the country level; UNDP can incorporate racial tolerance and understanding into its country programmes;

- Upon receipt of relevant material from OHCHR, UNDP can assist in the dissemination of information on the reporting process under CERD, including the possible contributions by civil society;

- Upon being provided background information, UNDP can make available to all interested persons and organizations information concerning the status of States parties' reports submitted to CERD, the reports themselves, and the concluding observations or comments adopted by the Committee;

- Upon request, UNDP can provide information on the available communications procedures and channel to OHCHR communications from individuals and groups alleging that their rights under the Convention have been violated. In the framework of the MOU a brochure on human rights complaints has been published for Resident Coordinators and Resident Representatives. Additionally, a "Human rights guideline for Resident Coordinators" has been developed in the framework of the United Nations Development Group, which includes guidance on the formalities of channelling human rights complaints to the appropriate international mechanisms;

- The provision of logistical support for fact-finding missions. This assistance may include participation in planning, supporting, and ensuring follow-up of missions;

- OHCHR can ensure that UNDP Country Offices are provided with updated information on CERD, in particular concerning the reports scheduled to be examined, the concluding observations thereon, as well as on final decisions adopted under the individual communications procedure.

22. UNESCO stated that it intended to mobilize its network of Chairs (44 in 35 countries) to participate actively in the activities linked with the International Year of Mobilization against Racism, Racial Discrimination, Xenophobia and Related Intolerance. UNESCO plans to convene a meeting of its representatives in order to further increase their contribution to the organization's activities, in particular those related to the International Year.

II. GENERAL CONCLUSIONS AND RECOMMENDATIONS

23. The World Conference represents both a challenge and an opportunity for coordinating efforts throughout the United Nations system. By striving for effective and efficient action through enhanced coordination, the United Nations system will be better able to offer assistance to Governments and civil society in their efforts to combat racism.

24. A systematic flow of information should be ensured between OHCHR and United Nations bodies, specialized agencies and other international, regional and subregional organizations on the situation of racism and racial discrimination.

25. United Nations bodies, specialized agencies and international, regional and subregional organizations are encouraged to:

(a) Transmit reports and information material dealing with the elimination of racial discrimination to the various bodies within the United Nations system charged with combating racism;

(b) Cooperate closely with a view to promoting universal ratification of the International Convention on the Elimination of All Forms of Racial Discrimination;

(c) Include, within the context of their respective public relations and information activities, information about the World Conference and the preparatory process so that the widest possible dissemination of information about these events can be achieved;

(d) Provide relevant information to be included on the Web site.

26. A permanent follow-up mechanism could be established in order to monitor and evaluate programmes to combat racism and to coordinate the exchange of information. This mechanism could be responsible for gathering information among United Nations bodies and specialized agencies about the preparatory process for the World Conference and for ensuring the implementation of the final outcome of the World Conference. Such a mechanism could be incorporated within the Office of the High Commissioner for Human Rights.

27. Consultations between all concerned organizations on issues relating directly or indirectly to the elimination of racial discrimination should be held on a regular basis. The consultations would aim at identifying specific issues to be addressed, the steps that need to be taken and the form such action should take (i.e. whether at the international, regional or national level). Within the preparatory process for the World Conference an inter-agency consultation mechanism should be established.

28. Staff of United Nations bodies and organizations, at their headquarters and at their duty stations, should receive training enabling them to deal with violations of the Convention on the Elimination of All Forms of Racial Discrimination and to incorporate an "anti-racism" approach into their work. Special attention should be placed on integrating action to eliminate racism and racial discrimination in the activities of the United Nations at the country level.

A/CONF.189/PC.1/5

Readex
Fiche

UNITED
NATIONS

A

General Assembly

Distr.
GENERAL

A/CONF.189/PC.1/5
5 April 2000

Original: ENGLISH

WORLD CONFERENCE AGAINST RACISM,
RACIAL DISCRIMINATION, XENOPHOBIA
AND RELATED INTOLERANCE

Preparatory Committee
First session
Geneva, 1-5 May 2000

Item 7 of the provisional agenda

REPORTS, STUDIES AND OTHER DOCUMENTATION FOR THE PREPARATORY COMMITTEE AND THE WORLD CONFERENCE

Consultation on the use of the Internet for the purpose of incitement to racial hatred, racial propaganda and xenophobia

CONTENTS

		Paragraphs	Page
Introduction		1 - 2	2
I.	SUMMARY OF REPLIES ON THE USE OF THE INTERNET TO INCITE RACISM	3 - 22	2
	A. Governments	3 - 17	2
	B. Specialized agencies	18	4
	C. Non-governmental organizations	19 - 22	4
II.	CONCLUSIONS	23 - 31	5
Annex: List of respondents			7

GE.00-12400 (E)

Introduction

1. In paragraph 35 of resolution 1999/78, the Commission on Human Rights requested the United Nations High Commissioner for Human Rights "to undertake research and consultations on the use of the Internet for the purposes of incitement to racial hatred, racist propaganda and xenophobia, to study ways of promoting international cooperation in this area, and to draw up a programme of human rights education and exchanges over the Internet on experience in the struggle against racism, xenophobia and anti-Semitism". Pursuant to that request, the Office of the High Commissioner for Human Rights (OHCHR) sent communications on 20 May 1999 to Member States, United Nations bodies, specialized agencies, international governmental organizations and non-governmental organizations (NGOs) requesting their views and information. As at the writing of this report, the Office had received replies from 10 States, 1 United Nations body, 2 specialized agencies and 2 NGOs. The list of respondents is given in the annex.

2. This report contains a summary of the replies received; the full texts are available for consultation at OHCHR. The remaining research and activities requested by the Commission will be undertaken by the Office as part of the preparatory process for the World Conference.

I. SUMMARY OF REPLIES ON THE USE OF THE INTERNET TO INCITE RACISM

A. Governments

3. The Government of Cape Verde reported that despite the interest and efforts of the Government, it did not yet have a specific programme on the issue of racism on the Internet. It is currently collecting preliminary information and would welcome cooperation and contributions from OHCHR on this question.

4. Costa Rica recently began to consider the issue of the use of the Internet for the purposes of incitement to racial hatred, racial propaganda and xenophobia. The Government of Costa Rica reported that there are currently no domestic limitations or regulations concerning Internet access. Use of the Internet is increasing steadily, although many schools still do not have Internet access. The Ministry of Public Education has some concerns over unrestricted access to the Internet in schools and colleges. The Government suggests the use of content filters to limit the access of students to harmful Web sites and information. The Ministry is conscious of the problems and, through the Department of Computer Education and the Institute of Electricity of Costa Rica, is considering ways to solve it. As a first step, regulation of the content of Web sites may be necessary.

5. The Government of Denmark proposed an Internet education programme on experiences in the struggle against racism, xenophobia and anti-Semitism which could include the following: training programmes aimed at education to prevent discrimination; information on the possibility of documentation and registration; positive experiences in ethnic equality policies and practices; a "chat room" to facilitate debate and exchanges on experiences on discrimination and equality; training of law enforcement officials; and measures in the field of education.

6. The Government of Denmark also identified national and regional programmes such as the European Schoolnet, Denmark's First Web Portal for Teachers and Pupils, which provides an electronic meeting place for the educational world, as well as the Associated School Projects, which are considered effective means of spreading messages, including messages on education in human rights and the struggle against racism.

7. The Government of Finland reported that awareness-raising on the issues and dangers related to racism and racial discrimination should form a central component of government action against racism. It noted the importance of disseminating positive information about immigrants and minorities via the Internet in order to lessen the susceptibility of people to racist and xenophobic information.

8. The use of the Internet for criminal activity, including the dissemination of racist and xenophobic information, should be prevented. As Internet use increased in Finland, greater attention was being paid to the difficulties in regulating its content.

9. Finland adhered to the principles adopted by the European Union in this sphere, and self-regulation of services is deemed to be the most effective way to regulate the content of Internet services. The Government has also encouraged the Internet industry to provide improved filtering tools and rating systems which would allow users to select material and avoid harmful content.

10. The Government of Finland also noted that effective national and international legislation plays a significant role in combating racism and xenophobia. Although the media and Internet users were free to express their views, incitement to hatred against a national, ethnic or religious group and the offence of agitation, whether via the Internet or not, is a criminal offence in Finland.

11. The Government also stated that the most effective means of preventing the spread of racist propaganda via the Internet was monitoring and action by non-governmental organizations or public authorities. International cooperation is also necessary. The Parliament and Council of the European Union have already established useful initiatives in this area such as the Internet Action Plan; however, the use of the Internet for spreading racist material should be further examined. In order to make the Internet safer, a Europe-wide Hotline is urgently needed and self-regulation and cooperation within the industry must be supported.

12. The Government of Georgia stated that a programme of human rights education and exchanges over the Internet on the struggle against racism, xenophobia and anti-Semitism should pay particular attention to: (i) the history of the struggle against racism, xenophobia and anti-Semitism; (ii) a review of the political, historical, economic, social and other factors that provoke racism, racial discrimination, xenophobia and related intolerance; (iii) United Nations texts such as the International Convention on the Elimination of All Forms of Racial Discrimination, the UNESCO Declaration on Race and Racial Prejudice, Commission on Human Rights resolution 1999/78; (iv) a comparative review of the situation in States which have ratified the International Convention on the Elimination of All Forms of Racial Discrimination and in States which have not; (v) recommendations to further national, regional and international measures to combat racism, racial discrimination, xenophobia and related intolerance.

13. The Government of Poland reported that its Penal Code includes appropriate regulations relating to offences such as incitement to racial hatred and racist propaganda. It also expressed its willingness to cooperate to draw up a programme of human rights education on the Internet.

14. The Government of Sweden stated that it has introduced an innovative measure to combat racism and anti-Semitism and related propaganda. The Living History Campaign, which was launched in 1997, disseminates knowledge and information about the Holocaust and how to use the conclusions drawn from the Holocaust in discussions about racism, anti-Semitism, democracy and human rights. The campaign uses the Internet to spread information. In July 1998, as part of the Living History Project, the Government launched a Holocaust Web site containing, inter alia, historical facts, reports, and recent and relevant research, in order to reach young people, teachers and interested persons. The Government noted that it is important to provide an informative counterweight to those who deny that the Holocaust occurred.

15. The Government has also established a task force for international cooperation on Holocaust Education, Remembrance and Research with several other Governments, and held a related forum in January 2000. The objective of the Forum was to enable people to come to a common understanding of the need to combat racism and xenophobia today through the promotion of Holocaust education and research. The Government suggested that its programmes could serve as examples when drawing up programmes of human rights education and promoting international cooperation in the struggle against racism, xenophobia and anti-Semitism.

16. The Government of the United Arab Emirates stated that it is convinced of the need for freedom of information via satellite or through the Internet, without restriction. In this regard, Web sites cannot be created without the prior approval of the organization responsible for communications in the United Arab Emirates. In addition, the organization imposes restrictions through technical measures on access to sites which do not respect the customs and traditions of the State. These customs are based on the principles of Islam which exhort tolerance and equality and reject racism and terrorism and incitement to such action.

17. The Government noted that OHCHR had asked Governments to consider the issue of racism and the Internet, but that some human rights organizations had a tendency to criticize or condemn the smallest restriction that might be imposed on the Internet by Governments.

B. Specialized agencies

18. The International Labour Organization (ILO) reported that although it had no information on the matter of the use of the Internet for the purposes of incitement to racial hatred, it makes active use of the Internet for the purpose of disseminating information and activities in respect of human rights, including non-discrimination. In addition to a main Web site, a number of the regional and national offices of the ILO also maintain Web sites.

C. Non-governmental organizations

19. The Board of Deputies of British Jews provided a detailed report entitled "International Cooperation to Combat the Use of the Internet for the Purposes of Incitement to Racial Hatred". It stated that there are an estimated 147 million Internet users in 150 countries and that use of the

Internet is growing at a rapid rate. At least in theory, the entire world will have access by the end of the first decade of this century. Racist material represented only a small percentage of the volume of information on the Internet and expressed the view that "racists in cyberspace were comparatively far and few between". Nevertheless, the Internet acts as a "force-multiplier, enhancing power and enabling racists" on the Internet to have influence in excess of their true number. The Internet allows racists to cross national boundaries and bypass laws banning hate material by moving sites abroad.

20. The NGO reviewed national and regional initiatives to combat hatred on the Internet in North America and Europe. With regard to international cooperation on the issue, it noted that the provisions of the International Convention on the Elimination of All Forms of Racial Discrimination are applicable where hate-oriented groups use the Internet to disseminate their propaganda.

21. The NGO noted that Internet service providers have an obligation to prevent access to racist material, and that a complaint-driven regime where providers respond to referrals from the public is likely to be successful. For the longer term, it recommended the establishment of a body to develop a comprehensive policy and an accompanying model code of practice on Internet access for institutions in the public, private and voluntary sectors.

22. The NGO also noted that it was not impossible for States contemplating prosecution of offensive Internet postings to successfully balance free speech and the need to establish legal jurisdiction. States should, however, continue in their efforts to establish national legal measures in compliance with their obligations under international law.

II. CONCLUSIONS

23. Some general conclusions can be derived from the replies received from the Internet consultation undertaken by the Office of the High Commissioner for Human Rights.

24. Several respondents recognized the dangers posed and harm caused by the use of the Internet for the purposes of incitement to racial hatred, racial propaganda and xenophobia. The Internet can, however, also serve as a tool in the fight against racism, racial discrimination, xenophobia and related intolerance. The use of the Internet to distribute positive information and materials, research and facts about immigrants and minorities can support action against racism and anti-Semitism, raise awareness, promote understanding and increase tolerance. It can be effective in increasing the susceptibility of people to negative and harmful material aimed at inciting racism and xenophobia.

25. Almost every respondent recognized the importance of an education component in any initiative or programme to combat racism, xenophobia and intolerance on the Internet. Internet education is considered a fundamental bulwark against use of the Internet for these purposes. Those respondents who have not established Internet education programmes or initiatives have indicated a great interest in doing so.

26. Some Governments are in the initial stages of considering the issue of racism on the Internet; they nevertheless recognize the importance of the issue of harmful racist and xenophobic material on the Internet.

27. Countries with less-developed Internet capacities recognize the potential benefits of the Internet as well as its dangers. In the matter of combating racism on the Internet, some have requested the assistance of OHCHR and the international community.

28. As use of the Internet increases at the national level, greater attention is being paid to harmful, racist content, and in particular the use of the Internet for incitement to racial hatred, racist propaganda and xenophobia.

29. Some Governments report that the existing provisions in their domestic Penal Codes regarding incitement to racial hatred and agitation can be used to prosecute offences that are carried out via the Internet.

30. International cooperation is welcome in the matter of combating the use of the Internet for the purposes of incitement to racial hatred, racist propaganda and xenophobia. International cooperation and coordination could help in establishing international standards and practices and in providing technical assistance in this field to countries with less-developed Internet capacities.

31. The issue of regulation of harmful and hateful material on the Internet is a complex matter which requires further study and consideration by the international community.

ANNEX

List of respondents

States: Cape Verde, Costa Rica, Croatia, Denmark, Finland, Georgia, Poland, South Africa, Sweden, United Arab Emirates.

United Nations body: Economic Commission for Africa.

Specialized agencies: International Labour Organization, International Maritime Organization.

Non-governmental organizations: Azerbaijan Women and Development Centre, Board of Deputies of British Jews.